

has been submitted (CRC/C/11/Add.19) and is scheduled for consideration at the Committee's May 2001 session; the third periodic report is due 14 September 2004.

Reservations and Declarations: General declaration; article 32; and paragraph (c) of article 37.

REPORTS TO TREATY BODIES

Committee against Torture

The United Kingdom's third periodic report (CAT/C/44/Add.1, April 1998) was considered by the Committee at its November 1998 session. The report prepared by the government is in three parts. Part I addresses the situation in the U.K., Part II deals with Guernsey, Jersey and the Isle of Man, Part III reviews relevant points in the Overseas (formerly dependent) Territories — Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena, and the Turks and Caicos Islands. Information is provided on measures taken in response to the Committee's recommendations following consideration of the second periodic report. Information is also provided on, *inter alia*: plans to reform the Offences Against the Person Act 1861, and some other legislation including the Criminal Justice Act 1988; extradition and asylum procedures, the Asylum and Immigration Act 1996, the Special Immigration Appeals Commission Act 1997; human rights training and retraining for prison officers, asylum caseworkers, Immigration Service staff and police, including the police in Northern Ireland; monitoring the use of police powers and procedures; counter-terrorism and emergency provisions legislation; the status of holding centres in Northern Ireland; audio- and video-recording of police interviews; access to legal advice, the Code of Practice for the detention, and treatment and questioning of persons by police officers; the right to silence; measures to prevent ethnic discrimination; deaths in police custody and use of restraint procedures; the private security industry; military powers in Northern Ireland; the Prison Services and conditions in prisons; procedures of the Immigration Service; detention under Mental Health powers; discipline and complaints with regard to the police, the military in Northern Ireland, prison staff and the Immigration Service; compensation for victims of crime; corporal punishment, and the care and protection of children.

The Committee's concluding observations and comments (CAT/C/UK) welcomed, *inter alia*: enactment of the Human Rights Act, 1998 and the Immigration Commission Act, 1998; the "Peace Process" in Northern Ireland, pursuant to the Good Friday Agreement; and the removal of corporal punishment as a penalty in several of the Overseas Territories. The continuation of the state of emergency in Northern Ireland was noted as a factor hindering implementation of the Convention.

The subjects of concern identified by the Committee included, *inter alia*: the number of deaths in police custody and the apparent failure of the government to provide an effective investigative mechanism to deal with

allegations of abuse by police and prison authorities and to report publicly in a timely manner; the use of prisons as places in which to house refugee claimants; the retention of detention (holding) centres in Northern Ireland, particularly Castlereagh Detention Centre; the rules of evidence in Northern Ireland that admit confessions of suspected terrorists upon a lower test than in ordinary cases and permit the admission of derivative evidence even if the confession is excluded; conflict with the Convention in provisions of the Criminal Justice Act 1988 and the State Immunity Act, 1978; the continued use of plastic bullet rounds as a means of riot control; and the dramatic increase in the number of inmates held in prisons in England and Wales over the last three years.

The Committee recommended that the government, *inter alia*:

- ♦ close detention centres, particularly Castlereagh, at the earliest opportunity;
- ♦ reform the State Immunity Act, 1978, to ensure that its provisions conform to the obligations contained in the Convention; reform Sections 134 (4) and 5 (b) (iii) of the Criminal Justice Act, 1988, to bring them into conformity with the obligations contained in article 2 of the Convention;
- ♦ abolish the use of plastic bullet rounds as a means of riot control;
- ♦ reconstruct the Royal Ulster Constabulary so that it more closely represents the cultural realities of Northern Ireland, as part of an extensive programme of re-education for members of the Royal Ulster Constabulary directed at the objectives of the Peace Accord and the best methods of modern police practices; and
- ♦ in the case of Senator Pinochet of Chile, refer the matter to the office of the public prosecutor, with a view to examining the feasibility of, and if appropriate, initiating criminal proceedings in England, in the event that the decision is made not to extradite him.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 16, 17, 90; E/CN.4/1998/68/Add.1, paras. 404–408)

The Special Rapporteur (SR) notes that communications were sent to the government concerning several cases. On the issue of fair trial in death penalty cases, the report refers to the 1993 judgement of the Privy Council which held that awaiting the execution of a death sentence for five years after it had been handed down constituted in itself cruel and inhuman punishment. The report notes that in October 1996, the Privy Council ruled that, in the Bahamas, it may be considered cruel or inhuman to exe-